

October 17, 2007

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: ***Ex Parte* Presentation MB Docket No. 07-91 In the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television**

Dear Ms. Dortch:

On October 16, 2007, I met with the following members of the Media Bureau staff, Evan Baranoff, Gordon Godfrey, Eloise Gore, Kevin Harding, Barbara Kreisman, Maureen McCarthy, Mary Beth Murphy, Clay Pendarvis, and Nazifa Sawez, on behalf of Capitol Broadcasting Company, Inc. ("Capitol"). We discussed the comments filed by Capitol in the above-referenced docket. The main focus of our discussion centered on the following:

- *Capitol's proposed technical plan to migrate WRAL-DT, Raleigh-Durham, North Carolina, from Channel 53 to Channel 48:* We discussed with particularity the challenges presented by WRAL-DT's location on a community tower, the need for regulatory flexibility for each station located on the tower in order to accommodate the technical moves of other community tower stations, and the need to expand on a temporary basis the Commission's current rules related to reducing facilities.

As a community tower example, we discussed the fact that although WRAZ-DT, Raleigh-Durham, North Carolina, is listed as an "Appendix D" station – a station "ready, or very close to ready, to make their transition," it will be affected by tower work required by other community tower tenants. Therefore, Appendix D stations such as WRAZ-DT will also need regulatory flexibility during the period before and after February 17, 2009. In addition, when community tower work requires WRAL-DT or WRAZ-DT to be off-the-air, the stations will communicate this to their viewers through on-air

announcements prior to going off and traffic-type alerts posted on the stations' websites.

For stations moving to a completely new post-transition DTV channel, regulatory flexibility is paramount. Although much of WRAL-DT's plan to migrate from Channel 53 to Channel 48 can be accomplished by reducing its facilities in accordance with the Commission's current rules, Capitol believes that there is a need for the Commission to expand the 10/30 day rules on a temporary basis for some period of time before and after February 17, 2007.

- *The Commission's proposal to allow stations returning to their analog channel post-transition to remain on their in-core pre-transition digital channel for a period after February 17, 2009:* Generally, Capitol is supportive of this proposal to allow stations the time necessary to complete their final digital technical facilities. However, Capitol, and WRAL-DT particularly, is concerned that any rule preclude this option for stations that prevent another station from moving to its final post-transition channel. With a pre-transition out-of-core channel, WRAL-DT has no choice but to move to its final post-transition channel.
- *The Commission's proposal to offer expedited processing of construction permits ("CP") for those facilities that match or closely approximate the facilities authorized in the new DTV Table of Allotments:* Capitol appreciates the volume of work that faces the Commission staff as we move towards February 17, 2009. However, WRAL-DT faces a dilemma. Under the current interference rules, WRAL-DT must protect Columbia, SC, but presuming the Commission adopts the proposed new 0.5 interference standard for post-transition facilities, it will no longer need to protect Columbia. Obviously to serve the most viewers possible, WRAL-DT would like to file for a CP to build its final Channel 48 facilities under the 0.5 percent interference standard. Since this is in effect an expansion of the WRAL-DT facilities, the filing freeze precludes Capitol from doing so. Thus, the dilemma – to meet the February 17, 2009 deadline, WRAL-DT will put in place a Channel 48 antenna at the top of a 2000' tower that has a null towards Columbia. When the freeze is lifted and if the 0.5 percent interference standard is adopted, WRAL-DT would like to serve the population blocked by the null in the antenna. However, this will require the purchase of a new antenna and the return of a tower crew at a cost greater than \$250,000. It will also require WRAL-DT and the other community tower stations to be off-the-air while the antenna with the null is replaced with the omni-directional antenna, inconveniencing viewers. Capitol is reviewing a staff suggestion that an omni-directional antenna could be used and the power could be reduced to protect Columbia. Capitol's initial response is that it will need to evaluate

the number of viewers throughout the market that would be affected vs. the number of viewers potentially gained by eliminating the null. It is also critical to know for what period of time the entire market could be affected before the freeze is lifted.

- *Side-mounted antennas:* We briefly discussed the issue of analog and digital antennas on the same tower as is the situation with Capitol's Charlotte stations. Capitol notes that it has not developed its preferred transition plan for those stations at this time and looks to the Commission for guidance.

Respectfully submitted,

/s/

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cc.

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